

CIVIL CASE NO. 3:07cv510

Defendant.

ORDER

This is an action to recover terminated pension benefits by several retired police officers of the City of Gastonia. The Plaintiffs filed their Complaint on December 5, 2007. [Doc. 1]. After the Defendant City of Gastonia filed its Answer [Doc. 5], the Plaintiffs filed a motion to stay the initial attorneys' conference in this action pending resolution of a petition for class certification in a companion case, Crosby v. City of Gastonia, No. 3:06-CV-462 ("Crosby"). For grounds, the Plaintiffs argued that if the Court granted the petition for class certification in Crosby, the certified class would encompass the claims of the Plaintiffs in the present case. The

Court granted the Plaintiffs' request and stayed the present action for a period of ten (10) days following the issuance of a ruling on the petition for class certification in the Crosby matter. [Order, Doc. 7].

On December 28, 2007, Magistrate Judge Horn entered a Memorandum and Recommendation in Crosby, recommending that the motion for class certification be granted and denying as moot the Crosby plaintiffs' alternative motion to amend their complaint to add additional plaintiffs. [Civil Action No. 3:06-CV-462, Doc. 55]. The Defendant filed objections to this recommendation. [Doc. 56]. On May 1, 2008, after *de novo* review of the plaintiffs' motions, the Court denied the plaintiffs' petition for class certification, but granted the plaintiffs leave to amend their complaint to join fifty-six additional plaintiffs, including the thirty-seven plaintiffs named in the present action. [Civil Action No. 3:06-CV-462, Order, Doc. 59].

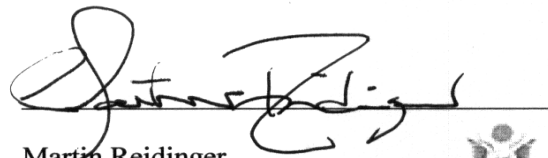
More than ten days have passed since the Court's Order denying the Crosby plaintiffs' petition for class certification and granting those plaintiffs leave to amend their complaint to join additional plaintiffs. Accordingly, the stay previously imposed in the present action has expired. To date, the

Plaintiffs have not joined the Crosby action, nor have the parties in the present action filed a certificate of their initial attorneys' conference.

IT IS, THEREFORE, ORDERED that the parties shall conduct an initial attorneys' conference as soon as possible and file a certificate of initial attorneys' conference with the Court no later than June 24, 2008.

IT IS SO ORDERED.

Signed: June 3, 2008


Martin Reidinger
United States District Judge

